

REMARKS

Claims 5, 7, 9-10, and 12-25 are pending in this application.

The Office action rejects claims 5, 7, 9-10, 12-22, and 24-25 under 35 U.S.C. 103(a) over Nobakht et al. (USPA 2001/0039583, hereinafter Nobakht) and Buckey et al. (USP 6,446,076, hereinafter Buckey). The applicant respectfully traverses this rejection.

The Examiner's attention is again requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 14, upon which claims 15-17 depend, claims a method that includes receiving an address of a relay server from a remote device, transmitting a first request to the relay server, receiving an address of a profile server from the relay server, based on the first request, transmitting a second request to the profile server, receiving a profile from the profile server, based on the second request, and controlling the appliance in dependence upon the profile.

Both Nobakht and Buckey fail to teach receiving an address of a relay server from a remote device, and both Nobakht and Buckey fail to teach receiving an address of a profile server from the relay server.

The Office action asserts that Nobakht teaches receiving an address of a relay server from a remote device at [0009]. The applicant respectfully disagrees with this assertion. The Office action asserts that Nobakht's smart card 232 is programmed with the address of Nobakht's system server 110; this is incorrect. At [0009], Nobakht teaches that the smart card is programmed with the address of a target internet site. As illustrated in Nobakht's FIG. 1, the target internet site 120 is not the system server 110. Nobakht is silent with regard to how the address of the system server 110 is determined; presumably, the set-top box 131 is configured to automatically connect to the system server 110.

Further, the Office action asserts that Nobakht teaches receiving an address of a server from the relay server. The applicant respectfully disagrees with this assertion. As the Office action notes, Nobakht teaches receiving an authorization code from the system server 110; this authorization code is not an address of a server. As taught by Nobakht, and as illustrated in Nobakht's FIG. 3, the address of the target internet site is stored on the smart card 232, and not on the system server 110. The system server 110 sends an authorization code to the set-top box 131, and the set-top box 131 uses the authorization code to obtain the target address from the smart card 232.

Because Nobakht fails to teach receiving an address of a relay server from a remote device, and fails to teach receiving an address of a profile server from the relay server, as asserted in the Office action, the applicant respectfully maintains that the rejection of claims 14-17 under 35 U.S.C. 103(a) over Nobakht and Buckey is unfounded, per MPEP 2142.

The Office action notes that independent claims 5 and 9 "contain limitations that are substantially similar to claim 14 and are therefore rejected under the same basis". Thus, based on the remarks above regarding claim 14, the applicant respectfully maintains that the rejection of claims 5, 7, 9-10, 12-13, 18-22, and 24-25 under 35 U.S.C. 103(a) over Nobakht and Buckey are similarly unfounded, per MPEP 2142.

The Office action rejects claim 23 under 35 U.S.C. 103(a) over Nobakht, Buckey, and Hanko et al. (USP 6,912,578, hereinafter Hanko). The applicant respectfully traverses this rejection.

Claim 23 is dependent upon independent claim 9, and in this rejection, the Office action relies upon Nobakht and Buckey for teaching the elements of claim 9.

As noted above, Nobakht and Buckey fail to teach the elements of claim 9, and therefore the applicant respectfully maintains that the rejection of claim 23 under 35 U.S.C. 103(a) over Nobakht, Buckey, and Hanko is unfounded, per MPEP 2142.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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